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PATENT  
Attorney Docket No. 3063.0396-04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John E. EBY et al.

Continuation App. under 37 C.F.R. §1.53(b)  
of Appl. No.: 09/287,631

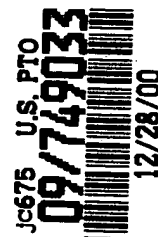
Filed: December 28, 2000

For: SURFACE COVERINGS HAVING  
A NATURAL APPEARANCE AND  
METHODS TO MAKE SURFACE  
COVERINGS HAVING A NATURAL  
APPEARANCE

**Prior Application:**

Group Art Unit: 1732

Examiner: A. Kuhn



Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449 form. This Information Disclosure Statement is being filed concurrently with the above-identified application.

The listed documents were previously made of record in prior U.S. Patent Application No. 09/287,631, filed April 7, 1999. Applicants are relying on this prior application for benefit of an earlier filing date under 35 U.S.C. § 120. Accordingly it is not required that copies of the cited documents be provided. 37 C.F.R. §1.98(d).

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the present application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Patent Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: 

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Date: December 28, 2000

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